

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|----------------------|---|-------------------------------------|
| SANDRA DOANE, |) | |
| |) | |
| Plaintiff, |) | Case No.: <u>4:21-cv-1248</u> |
| |) | |
| vs. |) | Circuit Court of the 21st Judicial |
| |) | Circuit, St. Louis County, Missouri |
| HMSHOST CORPORATION, |) | Case No. 21SL-CC04215 |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

COMES NOW Defendant, HMSHost Corporation (“Defendant”), by and through its attorneys, TUETH KEENEY COOPER MOHAN & JACKSTADT, P.C, and pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, hereby removes the above-captioned case from the 21st Judicial Circuit Court of St. Louis County, State of Missouri, to the United States District Court for the Eastern District of Missouri. In support of this removal, Defendant states as follows:

1. On September 8, 2021, Plaintiff Sandra Doane, (“Plaintiff”) filed a Petition (“Petition”) in the 21st Judicial Circuit Court of St. Louis County, Missouri, Case No. 21SL-CC04215.
2. Counsel for Defendant accepted service on behalf of HMSHost Corporation on September 23, 2021.
3. This Notice of Removal is timely under 28 U.S.C. § 1446(b) as this Notice is being filed “within 30 days after receipt by defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief.”
4. Pursuant to 28 U.S.C. § 1446(a), attached to this Notice of Removal is a copy of the original St. Louis County, Missouri, State Court File, attached hereto as **Exhibit A**.

5. Defendant has not filed an Answer or otherwise responded to Plaintiff's Petition in the Circuit Court of St. Louis County, Missouri.

6. Pursuant to 28 U.S.C. § 1331, and as explained further below, this Court has original jurisdiction over the instant action based on Plaintiff's federal claims arising under Title I of the Americans with Disabilities Act, 42 U.S.C. § 12101; the Age Discrimination in Employment Act, 29 U.S.C. § 621; and the Family Medical Leave Act, 29 U.S.C. § 2615. *See* Petition ¶¶ 1, 159-166, 167-178, and 179-185 respectively.

7. Petitioner also claims that Defendant violated the Missouri Human Rights Act, and this claim is based on the same case or controversy as her federal claims. *See* Petition ¶¶ 116-158.

8. Due to Plaintiff's state claim being based on the same case or controversy as her federal claim, the Court has supplemental jurisdiction over Plaintiff's claims deemed to arise under the laws of the state of Missouri pursuant to 28 U.S.C. § 1367(a).

9. Venue of this removal is proper under 28 U.S.C. § 1441(a) because the Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

10. Plaintiff's state claim is not an action described in 28 U.S.C. § 1445(a) through (d).

11. Pursuant to 28 U.S.C. 1446(d), a true and accurate copy of this Notice of Removal will be filed with the Clerk of the 21st Judicial Circuit Court, St. Louis County, Missouri, as Notice to Clerk of Filing Removal, attached hereto as **Exhibit B**.

12. Defendant, by this Notice, has satisfied all jurisdictional requirements for the removal of this action from the 21st Judicial Circuit Court of St. Louis County, Missouri, to the United States District Court for the Eastern District of Missouri.

13. Also filed with this Notice of Removal is the Civil Cover Sheet and the Original Filing Form.

WHEREFORE, Defendant hereby gives notice that the above-captioned action is hereby removed to the United States District Court for the Eastern District of Missouri, for the reasons set forth above.

RESPECTFULLY SUBMITTED,

**TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.**

By: /s/ Mollie G. Mohan
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***Attorney for Defendant HMSHost
Corporation***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent via the Court's electronic filing system and via electronic mail on this 19th day of October 2021, upon the following:

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*/s/ Mollie G. Mohan*_____